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TORRANCE CITY COUNCIL – MARCH 16, 1999

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At 1:54 a.m., March 17, 1999, the meeting was adjourned to Tuesday, March 23, 1999, at 6:00 p.m. for an executive session at City Hall, with the regular meeting commencing at 7:00 p.m. in the meeting room at Torrance Airport - Zamperini Field, 3301 Airport Drive.	16

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**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 7:05 p.m. on Tuesday, March 16, 1999, in the City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Cribbs, Horwich, Lee, Messerlian, O'Donnell, Walker and Mayor Hardison.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

2. FLAG SALUTE/INVOCATION

Brandon Roth, Boy Scout Troop 966, led the Pledge of Allegiance.

City Clerk Herbers gave the invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Lee moved to receive and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

MOTION: Councilmember Lee moved that, after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

4. WITHDRAWN/DEFERRED ITEMS

City Manager Jackson announced that Agenda Item No. 7f would be continued to March 23, 1999 and that No. 14b (CUP 98-0020, GPA 98-0002 and EAS 98-0013: Z-Way Corporation) would be continued to April 13, 1999.

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5. **COUNCIL COMMITTEE MEETINGS/ANNOUNCEMENTS**

Mayor Hardison thanked Councilmember Cribbs for her service as Mayor Pro Tem during the past six months and she welcomed new Mayor Pro Tem Messerlian. She announced an upcoming meeting of the Ad Hoc Legislative Committee on Wednesday, April 7, 1999, Third Floor Assembly Room, regarding the Municipal Election of the year 2000.

Finance and Governmental Operations Committee

Tuesday, March 16, 1999, 5:30 P.M., West Annex Meeting Room
Subject: Mid-Year Budget Review

Ad Hoc Committee for Facility Naming & Signage Criteria

Monday, March 22, 1999, 5:00 P.M.
Third Floor Assembly Room
Subject: City Policy on Civic Center Signage

Budget Outreach

Regular City Council Meeting, Tuesday, March 23, 1999
6:00 P.M., Executive Session; 7:00 P.M., Regular Business
Torrance Airport – Zamperini Field, 3301 Airport Drive
Subject: 1999-2001 Budget

Regular City Council Meeting, Tuesday, April 6, 1999, 7:00 P.M.
North High School Library
3620 West 182nd Street
Subject: 1999-2001 Budget

Budget Workshops

Wednesday, May 25, 1999, 5:30 P.M., City Council Chambers
City Hall, 3031 Torrance Boulevard

Wednesday, June 2, 1999, 5:30 P.M., City Council Chambers
City Hall, 3031 Torrance Boulevard

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES – FEBRUARY 23, 1999**

7b. **SALE OF SURPLUS VEHICLES**

Recommendation

The General Services Director recommends that the City Council authorize the Sale of a surplus vehicle.

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7c. **AMENDMENT FOUR TO AGREEMENT 96303 WITH CITY OF LOS ANGELES**

Recommendation

That the City Council authorize the execution of Amendment Four to the 1997-1998 Agreement 96303 with the City of Los Angeles.

7d. **CONSULTING CONTRACTS RE TRAFFIC ENGINEERING TASKS**

The Planning Director recommends that the City Council:

1. Concur with staff recommendation to hire three consulting firms to supplement, assist and support staff in the Transportation Engineering Division of the Planning Department to complete the projects listed in the approved Five-Year Capital Improvement Program; and
2. Execute contracts with the consulting firm of Albert Grover & Associates, Meyer, Mohaddes Associates, Inc. and Transtech Engineers, Inc. to perform these services in an amount not to exceed \$50,000 each, for a total not to exceed \$150,000.

7e. **AMENDMENT ONE TO AGREEMENT 980656 WITH CITY OF LOS ANGELES**

Recommendation

It is recommended by the Human Resources Director that the City Council authorize the execution of Amendment One to the 1998-1999 Agreement (980656) with the City of Los Angeles.

7f. **PURCHASE OF DELL 6300 SERVER AND SOFTWARE FOR THE LIBRARY**

Continued to March 23, 1999.

MOTION: Councilmember O'Donnell moved for the approval of the Consent Calendar as written. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

8. **LIBRARY/PARKS & RECREATION**

8a. **RECOMMENDATION RE TEEN CENTER NAME**

Recommendation

The Torrance Youth Council recommends that the City Council approve naming the building located at 2320 West Carson Street in Torrance "The Attic" for use as a teen center.

Parks and Recreation Director Barnett related staff's support of the Youth Council recommendation.

MOTION: Councilmember Messerlian moved to concur with the recommendation of the Torrance Youth Council. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

9. **TRANSPORTATION/PUBLIC WORKS**

9a. **HEARING DATE RE VACATING OF ALLEY**

Recommendation

The Engineering Director recommends that the City Council approve and adopt a Resolution declaring the intention to vacate the alley east of Hillworth and south of Pacific Coast Highway and set April 20, 1999 as the date for the hearing thereon.

City Clerk Herbers read aloud the number and title of Resolution No. 99-26.

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 99-26. The motion was seconded by Councilmember Horwich and passed by unanimous roll call vote.

RESOLUTION NO. 99-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
DECLARING ITS INTENTION TO VACATE THE ALLEY EAS OF HILLWORTH
AND SOUTH OF PACIFIC COAST HIGHWAY IN THE CITY OF TORRANCE,
FIXING A TIME AND PLACE FOR THE HEARING THEREON AND PROVIDING
FOR THE PUBLICATION OF THIS RESOLUTION**

9b. **HEARING DATE RE VACATING ALLEY**

Recommendation

The Engineering Director recommends that the City Council approve and adopt a Resolution declaring the intention to vacate the public easement for an alley segment north of Sierra Street and east of Acacia Avenue and setting April 20, 1999 as the date for the hearing thereon.

City Clerk Herbers read aloud the number and title of Resolution No. 99-27.

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 99-27. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

RESOLUTION NO. 99-27

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
DECLARING ITS INTENTION TO VACATE THE ALLEY SEGMENT NORTH
OF SIERRA STREET AND EAST OF ACACIA AVENUE IN THE CITY OF
TORRANCE, FIXING A TIME AND PLACE FOR THE HEARING THEREON
AND PROVIDING FOR THE PUBLICATION OF THIS RESOLUTION**

12. PERSONNEL MATTERS

12a. CLASS SPECIFICATION RE FACILITY SERVICES MANAGER

Recommendation

The Human Resources Director and the Civil Service Commission recommend that the City Council approve the newly created class specification for Facility Services Manager. The Human Resources Director and the Torrance Management Employees Organization recommend the adoption of an amendment to implement the recommended salary.

Human Resources Analyst Lawrence advised that the Facility Services Manager would be responsible for managing maintenance, repair and cleaning of City facilities, structures and equipment.

MOTION: Councilmember Messerlian moved for the approval of the class specification for Facility Services Manager. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

City Clerk Herbers read aloud the number and title of Resolution No. 99-28.

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 99-28. The motion was seconded by Councilmember Horwich and passed by unanimous roll call vote.

RESOLUTION NO. 99-28

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING RESOLUTION NO. 98-86 GOVERNING EMPLOYEES
REPRESENTED BY TORRANCE MANAGEMENT EMPLOYEES
ORGANIZATION**

14. HEARINGS

14a. APPEAL RE ANASTASI DEVELOPMENT CORPORATION

Recommendation

The Planning Commission recommends that the City Council adopt a Negative

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Declaration, deny the appeal and deny the project as proposed in CUP 97-0046 and TTM 52389 for the development of 44 residential condominium units designed as a "horizontally integrated" mixed use project with an adjacent commercial property (at 4140 Pacific Coast Highway) on property located in the C-2 zone at 4111 242nd Street and 4134-64 Pacific Coast Highway. The Planning Director recommends that the City Council adopt a Negative Declaration, uphold the appeal and approve the project as proposed in CUP 97-0046 and TTM 52389 and as conditioned in the Resolutions for the development of 44 residential condominium units designed as a "horizontally integrated" mixed use project with an adjacent commercial property (at 4140 Pacific Coast Highway) on property located in the C-2 zone at 4111 242nd Street and 4134-64 Pacific Coast Highway.

Mayor Hardison explained the procedures for conducting this hearing.

City Clerk Herbers verified that this hearing was properly noticed.

Acting Planning Manager Parkin-Tate presented the staff report. Supplemental written material of record distributed at the meeting included a March 16, 1999 memorandum addressed to the City Council from Acting Planning Manager Parkin-Tate transmitting relevant correspondence as follows: a March 15, 1999 letter addressed to the City Council from Ed and Rosemary Schmolder (5137 Newton Street); a March 11, 1999 letter addressed to the City Council from Jean and Paul Nitchman (4608 Newton Street); a March 1, 1999 letter addressed to the City Council from Mrs. V. Morosco (4023 W. 242nd Street); a March 4, 1999 letter addressed to the City Council from Maaiké and Wferch Seydel (4078 Newton Street); a March 5, 1999 letter addressed to the City Council from Rae Markus (4019 W. 242nd Street); and an undated letter (received by the Planning Department on March 9, 1999) addressed to the City Council from Liang and Parg Chow (4259 Newton Street).

In response to questions from the Council, Acting Planning Manager Parkin-Tate provided input regarding the varying height of the proposed development in relation to the Carioca Apartments; the term "patio home;" the resident/guest access to the project; the building setback, open space and front yard landscaping standards pertaining to the project; the consistency of the project with surrounding uses; the emergency vehicle access to the project; the type of project that could be constructed on a C-2 property without a Conditional Use Permit; the projects having common recreation area most recently approved in Torrance.

On behalf of Anastasi Development Corporation, Ms. Cheryl Vargo, 5147 Rosecrans Avenue, Hawthorne, explained the following: that the property is clearly located in a transitional neighborhood; that the density of this project would be significantly less than others previously proposed; that the applicant has made much effort to meet with concerned parties to design a project acceptable to the neighborhood; that the parking would be more than adequate; that the entrance on Newton Street would be for residents only; that there would be much light and air between the buildings; and that the project would be composed of single-family residential detached condominium units.

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Mr. George Acosta, 4130 Newton Street, provided the Council with a list of those intending to address the City Council on this matter.

In favor of the project, Mr. Guy Brydon, 23545 Anza Avenue, Apt. No. B, maintained that traffic resulting from the project would be less than that generated by the Begonia Farm business that previously occupied the subject property; that the project would be less dense than the nearby Carioca Apartments; that it would be aesthetically appealing and affordable; and that the value of single-family residential properties in the area would increase with the addition of this project.

The following individuals spoke in opposition to the project:

Ms. Josey Vanderpas	4308 Newton Street
Ms. Trudy Ponder	3815 Newton Street
Mr. George Acosta	4130 Newton Street
Mr. Joe Mansueto	301 E. Ocean Blvd., #600, Long Beach
Ms. Ann Ferrelli	5014 Newton Street
Mr. Johnny Tai	441 Calle De Aragon
Mr. Herbert Funk	4307 Newton Street
Mr. Trent Plungas	24243 Ocean Avenue
Ms. Joey Putman	4000 Newton Street
Mr. John Byram	33 W. Bellevue Drive, Pasadena
Mr. Thomas Link	4082 Newton Street
Dr. John Anagnost	4022 W. 242nd Street

Individuals opposing the project explained that, while they do not object to the development of the subject property, they are concerned about the following: mass/density, height/view impairment, traffic, parking, compatibility, light and air, setbacks, privacy and open space. They discussed the following: that the main access to the project should be on Pacific Coast Highway; that existing vegetation should be retained; that the proposed plan is almost identical to the previously proposed project; that the applicant should be required to comply with the Code requirements; that the model homes for the project should not access Newton/242nd Street; that only an emergency access crash gate should be allowed at Newton/242nd Street; that the construction hours should be 7:00 a.m. to 6:00 p.m. five days per week; that the portion of the property that includes an easement from Newton Street to Pacific Coast Highway could not be part of this project; that the width of the street running through the project would not meet the Code requirements; that the project should be down sized and three-story structures should not be allowed; that the Riviera Homeowners' Association supports the Planning Commission's decision in favor of a denial; that the following measures should be implemented before the applicant is allowed to proceed: traffic calming measures such as those at Maple and 235th Street, an emergency access crash gate at Newton/242nd Street and increased setbacks and space between the units; that elements to be included in the project are required by Government Code Section 65302; that a wall should be constructed adjacent to the property on the northwest side to reduce noise and provide privacy and safety for residents living adjacent to the subject property; that, according to a previous legal case, the City cannot revise conditions on Newton Street to suit this development; that the idea of

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subterranean parking should be examined; that documents showing existing conditions on the subject property should be provided; that the number of units should be reduced; that the project should be denied on the basis of the high floor area ratio (FAR); and that the applicant should continue to work with interested parties to create a project that would be in harmony with the neighborhood.

Ms. Vanderpas presented petitions signed by the following number of residents opposed to the project: 25, 350 and 1,333.

*

At 9:05 P.M., there was a recess until 9:15 P.M., when discussion concerning Agenda Item No. 14a (Anastasi Development Corporation [Begonia Farm]) continued.

After the recess, the following individuals related their opposition to the project:

Mr. Morgan Tookey	4124 Newton Street
Ms. Toni O'Brien	3932 Newton Street
Ms. Rae Markus	4019 W. 242nd Street
Mr. Bill Haas	5114 Newton Street
Mr. Armand Glenn	4136 Newton Street
Ms. Katie Johnston	4017 W. 242nd Street
Mr. David Ouwerkerk	2210 W. 234th Street
Mr. Barry Jay	2514 Brian Avenue
Mr. Cory Johnston	4017 W. 242nd Street
Mr. Doug Shepardson	4812 Newton Street
Mr. David Null	4821 Acorn Drive, Wrightwood
Mr. Don Null	P.O. Box 150, Topanga
Mr. Richard Null	2666 Washington Street, Eugene, OR
Ms. Barbara Tapp	3950 Newton Street
Mr. Tom Brewer	23426 Evalyn Avenue
Mr. Bruce Burkett	4064 Newton Street
Mr. Robert Donaldson	4222 Newton Street
Mr. Jeff Ruben	24256 Neece Avenue
Ms. Marlana Harjo	4090 Newton Street
Ms. Patricia Hanna	4023 W. 242nd Street
Mr. William Adams	4141 W. 229th Street
Mr. Lino Cordova	No Address Provided
Mr. Esteban Rodriguez	25849 Narbonne Avenue, Apt. No. 3

The individuals speaking after the recess reiterated numerous comments made earlier in the meeting by others opposed to the project. In addition, they commented as follows: that the drawings provided by the applicant are incorrect in that the parcel does not go straight back from Newton Street; that the buildings should be stepped down from the south like the Carioca Apartments; that an approval of the project should be conditioned on Cal Trans approving ingress/egress on Pacific Coast Highway; that a lawsuit based on the project being denied would be unfounded; that a project silhouette should be constructed; that the project would not include adequate play areas for children; that it should not be considered "mixed use;" that the R-1 standards should be applied to large developments; that, should the project be approved as proposed, cars

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parked in driveways would obstruct emergency vehicle access; that the project would adversely affect the quality of life in the area; that the applicant should be required to provide an explanation in writing as to how construction traffic would enter and exit the site and where construction workers would park; that the Airport Commission should review the project from Airport operations and noise standpoints; that approximately 50% of the helicopter noise complaints received by the City originated from residents living in the subject area; that, should the project be approved, the applicant should be required to fully disclose to prospective buyers that the property is under Robinson Helicopter's approach/departure pattern; that a navigation easement should be required to require property owners to waive their rights to complain about aircraft noise; that the project would impair views from the Carioca Apartments; that a new retaining wall should be constructed on the other side of the existing wall at the Carioca Apartments; that the entire property should be excavated in a westerly direction; that all trees and shrubs should be of the evergreen variety; that fireplaces should not burn real wood; that residents should only be able to access the project with special keys; that the Planning Commission's Findings of Fact in support of a denial should be resolved so as not to negatively impact residents and neighbors of the Carioca Apartments; that a shadow study should be required; that the height of the entire project should be significantly lowered to no higher than two stories with the roof ridges no higher than 2.5 feet below the Carioca Apartments' roof ridges; that all roof ridge heights, first floor levels and retaining walls should be clearly and accurately specified on drawings prior to an approval by the City Council; that the project should include a meeting room; that the increased traffic resulting from the project would cause unpleasant odors; and that a standard of common sense should be applied when considering this development.

Mr. David Null, joint owner of Carioca Apartments, distributed written material and photographs substantiating his concern over the height and mass of the project and the close proximity of the buildings to one another.

Mr. Don Null, joint owner of Carioca Apartments, distributed written material suggesting various concepts that would make the development more compatible with the neighborhood.

Distributing photographs, Mr. Richard Null, joint owner of Carioca Apartments, indicated that he and the other owners of the Carioca Apartments could support the project should the various modifications be made.

Mr. Burkett read aloud a prepared statement citing other developments that would be compatible with the neighborhood.

Ms. Vargo returned to the podium to respond to comments made by opposing speakers. She provided clarification on the proposed project design, as well as an easement relevant to the property to the west of the subject property. She affirmed that the property is subject to a navigation easement; that the insulation provided would be within the City requirements for properties near Torrance Airport; that potential buyers would be given disclosure statements; that, with the exception of the two-story units along Newton Street, all construction vehicles would access the project from Pacific Coast Highway; and that staff was given a Construction Management Plan. She

encouraged the Council to approve access to the project from Newton Street. Ms. Vargo stated her objection to recommended Conditions of Approval Nos. 13 (redesign open space to minimize the use of private patio areas having minimum dimensions of six by eight feet except where located in the vicinity of building entrances and to optimize the usable open space of the project as defined by yard areas having a minimum area of ten by fifteen feet) and 18 (construction activity requirements) and she asked that the construction hours for the project comply with those for other projects in the City.

In answer to questions from the Council, Ms. Vargo explained that, with the exception of the last phase, construction vehicles would access the project from Pacific Coast Highway. She indicated that it is not typical to have a meeting room in projects of this size.

Mr. Scott Anastasi, Anastasi Development Corporation, 5147 Rosecrans Avenue, Hawthorne, clarified that the model homes would be off of Newton Street and that parking spaces would be needed there for individuals coming to look at them. He confirmed that the project could be constructed to be no higher than 27 feet from the lowest point on Newton Street.

Councilmember Lee voiced his opinion that a construction start time of 8:00 a.m. would be reasonable. He asked if the last phase of the project could be constructed early on. He discussed a means whereby access in and out of a gate at Newton/242nd Street could be kept at a minimum.

The project architect (name inaudible) provided input on the open space around each unit. He explained the applicant's decision not to provide a meeting room.

Responding to inquiries from the Council, Acting Planning Manager Parkin-Tate advised the following: that there is an existing driveway on Pacific Coast Highway that would access this project; that the Engineering Department asked for an analysis of the left-turn storage capacity on Pacific Coast Highway to determine if additional capacity would be needed to facilitate utilizing that entrance into the project; that Cal Trans was notified of the project and they registered no objections; that the street in the project would be 34 feet wide, which would provide for two-way access, parking on both sides of the street and emergency vehicle access; that the proposed development would maintain the Newton Street driveway as it currently exists, the condition of the encroachment into the driveway currently exists and the parking layout of Village Center would not change; that R-1 and R-2 uses are not allowed in C-2 zones; that the entire block along 242nd Street to Ocean Avenue and out to Pacific Coast Highway consists of multi-family residential projects zoned C-2; and that the issue of space between the buildings would be eliminated with an attached unit project. She explained the rationale for calling this a "mixed use" project.

The Fire Department advised that the project was reviewed by the Fire Department and the matter of six feet between the buildings is not an issue with them.

Mayor Hardison noted that written comments pertaining to the project were provided by Mr. Doug Arneson, 5214 Calle Mayor.

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MOTION: Councilmember Horwich moved to close the public hearing. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

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At 11:25 P.M., there was a recess until 11:35 P.M. when discussion of Agenda Item No. 14a (Anastasi Development Corporation [Begonia Farm]) continued.

*

Mayor Hardison announced a neighborhood meeting at Calle Mayor Middle School on Thursday, March 18, 1999, 7:00 P.M., to discuss traffic circulation on Newton Street.

*

Councilmember Lee related his understanding that the layout of the project would be very similar to an R-1 development; that the density would be less than that at an apartment building to the east of the subject property; and that traffic would be less than that generated by the Begonia Farm business that previously occupied the site. He expressed his opinion that, should the project be approved, the property should be graded down so that the units in the southeast corner would be a maximum height of 27 feet; that residents of the development could be restricted from allowing guests to access via Newton/242nd Street; that the construction hours should be 8:00 a.m. to 6:00 p.m. five days per week; that no construction equipment should be allowed on Newton/242nd Street; and that this is a transitional zone into a rather affluent neighborhood and this project would be a more upscale type development and a logical progression for what surrounds it.

Councilmember Messerlian pointed out that, as land becomes less and less available, developers will be pressured to construct projects like the one proposed and he stated his concern with regard to these types of projects over time. He maintained that the solutions offered by interested parties are not unreasonable; that the project could be improved upon; and that the Council should not redesign the project this evening and it should be returned to the Planning Commission with comments from this meeting.

Councilmember Horwich agreed with Councilmember Lee's understanding relevant to the project. While his decision regarding a gate on Newton/242nd Street was pending, Mr. Horwich observed that a gate on Newton/242nd Street would reduce traffic problems.

Councilmember Walker agreed that the units in the southeast corner should be a maximum height of 27 feet; that construction should be allowed only during the week; and that construction vehicles should access the property via Pacific Coast Highway. He noted that residents have become accustomed to the Begonia Farm business with little traffic and contended that a keycard for residents to enter and exit on Newton/242nd Street would be reasonable.

Planning Director Gibson related staff's understanding that there would be an overall benefit to residents of the Carioca Apartments should the property be graded down so that the units in the southeast corner would be a maximum height of 27 feet.

Mayor Hardison noted that a report on patio home standards might have made the consideration of this project easier and she explained that she could not approve a gated project unless guest parking would be provided inside the development; that she could not agree with the idea of requiring a meeting room; and that she could agree with only emergency access on Newton/242nd Street. Mayor Hardison voiced her preference for additional information on the grade of the property.

Councilmember Cribbs supported the idea of 15 guest parking spaces inside the development and, noting that something will be developed on this site, she mentioned that the City could not afford to place a park on the subject property. Councilmember Cribbs recommended that grading alternatives and traffic circulation be further examined by staff and she indicated that she could not support the project as proposed. Ms. Cribbs voiced her concern that the City continually approves projects deviating from City requirements and stated that, should the project be approved as proposed, she could agree with emergency access only on Newton/242nd Street.

With regard to grading down the entire site, Councilmember Lee explained that his concern is more with the appearance of the project from the front of the development than with the Carioca Apartments.

Mayor Hardison related her viewpoint that the project should not be returned to the Planning Commission and that their concerns were expressed in the minutes of the meeting during which the project was considered.

Councilmember Messerlian indicated that he would have no problem with the Council re-considering a revised project and he asked if it would be mandatory for the Planning Commission to re-consider projects having substantial changes.

City Attorney Fellows advised that changes of this magnitude to Negative Declarations would require re-consideration by the Planning Commission.

Councilmember O'Donnell stated her feeling that problems could be resolved with reductions in height. She commented on traffic problems associated with the development of the subject property.

Planning Director Gibson explained staff's concerns more with grading than height. He indicated that the project could be approved with a maximum height of 27 feet.

Acting Planning Manager Parkin-Tate advised that 27 feet is the maximum allowed in an R-1 zone and allows for two stories; however, in this instance, it could allow for three stories.

MINUTE MOTION: Councilmember Lee moved that, according to Illustration B in the Supplemental Attachment No. 10, Unit Nos. 17, 18, 19, 20, 21 27, 28, shall be no more than 27 feet higher than the benchmark of 100 feet from the southeast corner of the subject property and that all other units shown on Illustration B shall remain as proposed. The motion was seconded by Councilmember Walker and passed by a 6-1 majority roll call vote, with Councilmember Messerlian dissenting.

Councilmember Messerlian explained his dissenting vote due to his opinion that the units south of the perpendicular line should be limited to two stories.

MOTION: Councilmember Lee moved for the following:

- Condition No. 18 g) That construction shall be prohibited on the weekends;
- h) That the hours of construction shall be from 8:00 a.m. to 6:00 p.m.

The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

MOTION: Mayor Hardison moved for the following:

Modify

- Condition No. 8 That all guest parking spaces shall be within the confines of the development.

The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

In answer to a question from the Council, Fire Chief Bongard verified that secondary emergency vehicle access would be necessary.

Planning Director Gibson affirmed that the Planning Director has the ability to administratively modify Conditions of Approval.

MOTION: Mayor Hardison moved for the following:

- Condition No. 17 That a detail of the gates at the north and south entries shall be included in the final working drawings; that the south entry gate shall be designed for emergency access only; that all visitors to the project shall enter exclusively through the north entrance; that the restrictions on use of the south entry shall be included in the CC&Rs; and that all of the above shall be subject to the approval of the Planning Director prior to the issuance on any building permits; (Planning).

The motion was seconded by Councilmember Horwich and passed by unanimous roll call vote.

MOTION: Councilmember Messerlian moved that the distance between the buildings shall be no less than eight feet. The motion died for lack of a second.

MOTION: Councilmember Lee moved to re-open the public hearing. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

Mr. Anastasi came forward to voice his agreement with all recommended Conditions of Approval. He asked that the gate at Newton/242nd Street remain open for the marketing of the project (approximately 12 to 18 months) and he clarified that Unit Nos. 17, 18, 19, 20 and 21 would be models.

Planning Director Gibson advised that the Newton/242nd Street gate could be left open for the marketing of the models and that a disclosure notifying prospective buyers that the Newton/242nd Street access will be for emergency vehicle access only could be required.

City Attorney Fellows verified that, should the Council wish to act on the project this evening, it would be necessary to adopt a Negative Declaration.

Councilmember Walker voiced his opinion that it would be reasonable to allow access on Newton/242nd Street during sales hours for a period of no more than 18 months.

Councilmember Horwich expressed his hesitation to allow access on Newton/242nd Street for the marketing of the models.

MOTION: Councilmember Lee moved to close the public hearing. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

MOTION: Councilmember O'Donnell moved for the adoption of a Negative Declaration. The motion was seconded by Councilmember Horwich and passed by a 6-1 majority roll call vote, with Councilmember Messerlian dissenting.

MINUTE MOTION: Councilmember Lee moved to concur with the recommendation of the Planning Director, including all modifications made during this meeting. The motion was seconded by Councilmember Cribbs and passed by a 6-1 majority roll call vote, with Councilmember Messerlian dissenting.

Planning Director Gibson advised that the applicable Resolutions could be returned for adoption.

City Manager Jackson noted that the next two Council meetings will not be held in City Hall.

City Clerk Herbers read aloud the number and title of Resolution No. 99-29.

MOTION: Councilmember Lee moved for the adoption of Resolution

No. 99-29, including modifications made during this meeting. The motion was seconded by Councilmember Cribbs and passed by a 6-1 majority roll call vote, with Councilmember Messerlian dissenting.

RESOLUTION NO. 99-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 97-0046) AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 1, OF THE TORRANCE MUNICIPAL CODE TO ALLOW A 44-UNIT RESIDENTIAL CONDOMINIUM PROJECT TO BE DEVELOPED AS A HORIZONTALLY INTEGRATED MIXED USE PROJECT WITH AN ADJACENT COMMERCIAL PROPERTY (AT 4140 PACIFIC COAST HIGHWAY) ON PROPERTY LOCATED IN THE C-2 ZONE AT 4111 242ND STREET (THE FORMER PALOS VERDES BEGONIA FARM NURSERY) AND 4134-64 PACIFIC COAST HIGHWAY

City Clerk Herbers read aloud the number and title of Resolution No. 99-30.

MOTION: Councilmember Lee moved for the adoption of Resolution No. 99-30. The motion was seconded by Councilmember Cribbs and passed by a 6-1 majority roll call vote with Councilmember Messerlian dissenting.

RESOLUTION NO. 99-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP TO ALLOW FOR CONDOMINIUM OWNERSHIP IN ASSOCIATION WITH CONDITIONAL USE PERMIT CUP 97-0046 ON PROPERTY LOCATED IN THE C-2 ZONE AT 4111 242ND STREET AND 4134-64 PACIFIC COAST HIGHWAY

Councilmember Messerlian explained his dissenting vote due to his preference for additional Conditions of Approval.

14b. CUP 99-0020, GPA 98-0002, EAS 98-0013: Z-WAY CORPORATION

Continued to April 13, 1999.

18. ADDENDUM MATTERS

None.

19. ORAL COMMUNICATIONS

19a. Police Chief Herren noted that the Torrance Police Department will be participating in a South Bay DUI Task Force on Wednesday, March 17, 1999.

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19b. Councilmember Horwich noted that he and Ms. O'Donnell had the pleasure of representing the Torrance City Council at the Special Olympics' Kick-Off Dinner.

19c. Councilmember Lee extended "Happy Birthday" wishes to his son, Andrew.

19d. Mayor Hardison and Councilmember Messerlian related their appreciation of staff's efforts on Agenda Item No. 14a (Anastasi Development Corporation [Begonia Farm]) project.

19e. Councilmember Walker congratulated the Torrance Police Department in their recent apprehension of suspects.

19f. The following speakers came forward to voice their confusion with and concerns over the Council's approval of Agenda Item No. 14a (Anastasi Development Corporation [Begonia Farm]) project earlier this evening:

Mr. Morgan Tookey	4124 Newton Street
Mr. Richard Null	2666 Washington Street, Eugene, OR
Mr. Robert Donaldson	4222 Newton Street
Ms. Ann Ferrelli	5014 Newton Street

Planning Director Gibson related staff's willingness to meet with interested parties to provide clarification with regard to the Council's approval of the project.

20. **EXECUTIVE SESSION**

At 1:30 a.m., pursuant to Government Section 54956.9(a), the Council entered into a closed session to confer with the City Manager and the City Attorney on the agenda matter listed under Item No. 20.A (Conference with Legal Counsel - Existing Litigation).

At 1:53 a.m., the Council* returned to open session, with no action having been taken in closed session.

*Councilmember O'Donnell left City Hall at 1:43 a.m. on March 17, 1999.

21. **ADJOURNMENT**

At 1:54 a.m. on Wednesday, March 17, 1999, the meeting was adjourned to Tuesday, March 23, 1999, 6:00 p.m., for an executive session, to be followed by the regular meeting at 7:00 p.m. in the meeting room at Torrance Airport - Zamperini Field, 3301 Airport Drive.

